IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. NO.890 OF 2006
DATE OF DECISION:08.03.2007.

Manpreet Singh .....Petitioner

versus

Financial Commissioner, Appeals-II, Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Mr. Sumeet Mahajan, Senior Advocate with
Mr. S.L. Bhalla,Advocate for the petitioner

Mrs.Nirmaljit Kaur, Additional A.G., Punjab

Mr.J.S. Toor, Advocate for respondent No.5

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JUDGMENT:

In this writ petition, the dispute pertains to sanctioning of mutation with regard to the property left by Shri Sarwan Singh. Petitioner claims that property, on the basis of his adoption by the deceased and Will executed in his favour, by the deceased. Respondent No.5 Smt. Jasbir Kaur is claiming that property being widow of Shri Sarwan Singh. After death of Shri Sarwan Singh, mutation was sanctioned in favour of the petitioner on the basis of a registered Will. That order was challenged by respondent No.5. The Collector allowed her appeal. Petitioner

succeeded in his revision before the Commissioner. The Financial Commissioner, in revision preferred by respondent No.5, set aside the order passed by the Assistant Collector sanctioning mutation and that of the Commissioner. The matter was remanded to Assistant Collector to decide the dispute regarding mutation, afresh. It is an admitted fact that the petitioner is in possession of the disputed land measuring about 91 kanals.

Before us, it has been admitted by both the parties that two civil suits are pending, one filed by the petitioner claiming property on the basis of Will allegedly executed by Shri Sarwan Singh and another filed by respondent No.5 claiming inheritance, being legal heir of the deceased Shri Sarwan Singh, wherein it has also been alleged that the Will alleged to have been executed by Shri Sarwan Singh, in favour of petitioner, is a forged document. Challenge has also been laid to the adoption deed. If that is so, we feel that revenue authorities are not justified in deciding the intricate questions with regard to the inheritance. There is serious dispute regarding date and place of death of Shri Sarwan Singh as also execution of adoption deed and Will by him. Under these circumstances, we feel that ends of justice will be served if the revenue authorities are directed to keep the mutation proceedings in abeyance till final disposal of the dispute by the civil Court.

We dispose of this writ petition accordingly, with a further direction that petitioner shall deposit an

amount of Rs.90,000/- (Rupees ninety thousand only) with the Assistant Collector at Khanna, within two months from today towards mesne profit. The officer, referred to above, shall put that amount in a fixed deposit, in some Nationalized Bank, fetching highest rate of interest. The petitioner shall continue to deposit the abovesaid amount every year in the month of June and the officer will continue to put the same in the fixed deposit, as referred to above. Whosoever wins in the civil suit/appeal, money will be released in his/her favour.

(JASBIR SINGH)
JUDGE

March 08, 2007
pc

(NIRMAL YADAV)
JUDGE